

Michael J. Schneider
Law Offices of Michael J. Schneider, P.C.
880 "N" Street, Suite 202
Anchorage, AK 99501
(907) 277-9306 - phone
(907) 274-8201 - fax

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

OMAR STRATMAN,)
)
Plaintiff,)
)
v.)
)
LEISNOI, INC., KONIAG, INC., and)
DIRK KEMPTHORNE, Secretary of the)
Interior,)
)
Defendants,)
)
_____)
)
KONIAG, INC.,)
)
Counter-claimant,)
)
v.)
)
OMAR STRATMAN,)
)
Counter-claimed)
Defendant.)
_____)

Case No.: 3:02-cv-0290 (JKS)

**PROPOSED ORDER DENYING MOTIONS TO DISMISS OMAR STRATMAN'S APA
CLAIMS BASED UPON THE FEDERALLY RECOGNIZED INDIAN TRIBE LIST ACT
OF 1994**

The Court has considered the briefs and arguments of the parties and, in light thereof, finds and orders as follows:

1. Employing traditional canons of construction, the Court finds, for the reasons set forth at 157 IBLA 315-19 and Mr. Stratman's brief in opposition (Docket No. ____), that Congress' intent was clear and that FRITLA did not impliedly repeal the village eligibility requirements contained in ANCSA.
2. Finding no express or implied repeal of ANCSA's village eligibility requirements by Congressional adoption of FRITLA, the Court DENIES Leisnoi's motion to dismiss (Docket Nos. 111-112) and Koniag's similar motion (Docket Nos. 144-145 at pp. 28-30 thereof).

DONE and ORDERED entered this ____ day of _____, 2007.

The Honorable James K. Singleton
U.S. District Court Judge